

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

PRESENT:	Supervisor	Teresa Dean
	Council	Edward Fairbrother
		Mike Smith
		Andy Gillette
	Attorney	Frederick Ahrens Jr.
	Town Clerk	Linda Cross

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 194-11
PUBLIC HEARING WATER DISTRICT #2
2012 SPECIAL ASSESSMENT

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Water District #2 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #2 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2012 Special Assessment roll for Water District #2 has been completed and filed with the Town Clerk on September 16, 2011, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2012 Special Assessment Roll for Water District #2 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 12, 2011 at 4:33 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

RESOLUTION NO. 195-11
PUBLIC HEARING WATER DISTRICT #3
SPECIAL ASSESSMENT APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS Water District #3 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #3 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2012 Special Assessment roll for Water District #3 has been completed and filed with the Town Clerk on September 16, 2011, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2012 Special Assessment Roll for Water District #3 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 12, 2011 at 4:35 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

RESOLUTION NO. 196-11
PUBLIC HEARING WATER DISTRICT #4,
2012 SPECIAL ASSESSMENT APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS Water District #4 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District #4 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2011 Special Assessment roll for Water District #4 has been completed and filed with the Town Clerk on September 16, 2011, and

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

RESOLUTION NO. 196-11, PUBLIC HEARING WATER DISTRICT #4, 2012 SPECIAL ASSESSMENT APPROVED continued

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2012 Special Assessment Roll for Water District #4 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 12, 2011 at 4:37 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

Supervisor Dean closed the Water Board meeting at 7:03 p.m.

SEWER BOARD

Supervisor Dean called the Sewer Board meeting to order at 7:04 p.m.

NEW BUSINESS

RESOLUTION NO. 197-11
PUBLIC HEARING FOR THE 2012 SPECIAL ASSESSMENT ROLL FOR SEWER DISTRICT NO.1 APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Sewer District No.1 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Sewer District No.1 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2012 Special Assessment roll for Sewer District No.1 has been completed and filed with the Town Clerk on September 23, 2011, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

RESOLUTION NO. 197-11, PUBLIC HEARING FOR THE 2012 SPECIAL ASSESSMENT ROLL FOR SEWER DISTRICT NO.1 APPROVED

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2012 Special Assessment Roll for Sewer District No.1 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 12, 2011 at 4:39 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

RESOLUTION NO. 198-11
PUBLIC HEARING PROPOSED SCALE OF CHARGES FOR SEWER DISTRICT NO. 1
APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the Town of Big Flats has established Sewer District No. 1 through Resolution 115-09, and

WHEREAS a Scale of Charges was established September 9, 2009 for Sewer District No. 1, and

WHEREAS the Scale of Charges needs to be revised to accommodate increases required for the operation of Sewer District No. 1, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for October 12, 2011 at 4:32 p.m. on the proposed Scale of Charges for Sewer District No. 1.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

Supervisor Dean closed the Sewer Board meeting at 7:05 p.m.

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 7:06 p.m.

CONCERNS OF THE PEOPLE – Lee Giammichael, 22 Upson Road, spoke about the erosion which causes drainage and road problems on Upson Road. He asked to have something done with this before winter. Supervisor Dean replied she was going to get with the Commissioner of Public Works and the Highway Supervisor to see what the plans are for Upson Road.

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of August 24, 2011 as presented. All in favor, Motion carried.

Councilperson Smith made a motion, seconded by Councilperson Gillette to approve the minutes of September 14, 2011 as presented. All in favor, Motion carried.

Supervisor Dean reported the following:

- The new Big Flats Town sign located on the corner of Maple and Canal Street landscaping and sign was donated by Mr. Skip Smith.
- Flags have been put up by Big Flats American, Jim Dursham and Robert Harris and the Legion will maintain the flags.
- The banners were temporally taken down to cleaned and repair. They will go back up in the spring.

NEW BUSINESS

RESOLUTION NO. 199-11 AMENDED ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Gillette

Seconded by: Fairbrother

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for September 2011, vouchers 11468-11581 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 101,532.48
HIGHWAY FUND	\$ 280,069.11
SEWER	\$ 12,016.72
WATER DISTRICT #1	\$ 4,330.53
WATER DISTRICT #2	\$ 4,890.90
WATER DISTRICT#3	\$ 1,511.25
WATER DISTRICT #4	\$ 415.26
LIGHTING DISTRICT	\$ 535.13
TRUST & AGENCY	\$ 453.93

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

RESOLUTION NO. 200-11
BUDGET AMENDMENT FOR THE HIGHWAY FUND APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS a memorandum was received from the Bookkeeper, dated September 23, 2011, requesting authorization to complete budget amendment for the Highway Fund, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget amendment:

Increase Appropriations	D0960	\$ 100,000
Increase Permanent Improvements	D5112.0400	\$100,000
Increase Appropriate Fund Balance	D0599	\$ 100,000
From Fund Balance	D0909	\$ 100,000

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

RESOLUTION NO. 201-11
GENERAL FUND BUDGET AMENDMENT APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS a memorandum was received from the Bookkeeper, dated September 23, 2011, requesting authorization to complete budget amendment for the General Fund, and

WHEREAS to further assist financially towards the additional roadwork, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the following General Fund budget amendment:

Increase Appropriations	A0960	\$142,000	
To Increase other funds Contribution-A9901-0900		\$142,000	
Increase Appropriated Fund balance-A0599		\$142,000	
From Fund Balance-A0909			\$142,000

CARRIED: AYES: Fairbrother, Gillette, Smith, Dean
NAYS: None

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

RESOLUTION NO. 202-11

ROTH PROGRAM PORTION OF THE DEFERRED COMPENSATION PLAN FOR THE
NON-UNION EMPLOYEES OF THE TOWN OF BIG FLATS APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS the Town Board authorizes the Town Supervisor to execute the contract renewal for the Deferred Compensation Plan for the Non-Union Employees of the Town of Big Flats with Nationwide Retirement Solutions, Nationwide Financial Services Inc. and Nationwide Trust Company for five (5) years, ending on December 31, 2015, and

WHEREAS the Town of Big Flats amended the Deferred Compensation Plan for Non-Union Employees of the Town of Big Flats by adopting the amended Model Plan effective December 7, 2007, and

WHEREAS prior to participating in the Roth Program a Letter of Intent is required from the Town of Big Flats, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the Letter of Intent and necessary paperwork to offer the Roth Program to those Non-Union Employees of the Town of Big Flats effective September 28, 2011.

CARRIED : AYES : Smith, Fairbrother, Gillette, Dean
NAYS : None

RESOLUTION NO. 203-11

DIANE LANTZ MEMBER OF THE ZONING BOARD OF APPEALS APPOINTMENT
APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board received a letter of resignation from Joe Rowe as a member of the Zoning Board of Appeals, and

WHEREAS alternate member Diane Lantz has agreed to be a member of the Zoning Board of Appeals, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board appoints Diane Lantz to the Zoning Board of Appeals effective September 28, 2011 with a term ending December 31, 2012.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: Dean

RESOLUTION NO. 204-11

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

DISENGAGEMENT OF THE LAW OFFICE OF THOMAS W. REED, II PLLC AND
ATTORNEY FOR THE TOWN APPOINTMENT APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS Thomas W. Reed II is making his transition to the position of United States Congressman, and

WHEREAS as part of that transition it is necessary for his law firm the Law Office of Thomas W. Reed II, PLLC to disengage as attorney to the Town of Big Flats, and

WHEREAS it is recommended that Frederick H. Ahrens, Esq., of Corning, New York be appointed to the position of Attorney for the Town, now

BE IT THEREFORE RESOLVED, effective September 30, 2011, the Town of Big Flats does hereby accept the withdrawal of the Law Office of Thomas W. Reed II, PLLC with great appreciation and gratitude for exemplary service, and

BE IT FURTHER RESOLVED that Frederick H. Ahrens, Esq. of Corning, New York be and the same hereby is appointed as Attorney for the Town of Big Flats commencing October 1, 2011, a part-time position with an annual salary of Forty Thousand Dollars (\$40,000.00), and

FURTHER RESOLVED that the Town Board hereby offers Frederick H. Ahrens, Esq. health insurance, sharing the cost of premiums to the same extent or percentage as other employees, said health insurance to be provided by voucher and reimbursement to the existing health insurance currently in effect for said individual, and procured from prior municipal employment, said health insurance benefit to be a term of employment, and

RESOLVED that copies of this resolution be provided to the Law Office of Thomas W. Reed II, PLLC, Thomas W. Reed II, and Frederick H. Ahrens.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

RESOLUTION NO. 205-11
PUBLIC HEARING FOR CAMPING WORLD SPECIAL USE PERMIT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Planning Board has received an application from Camping World for temporary vehicle sales October 18, 2011- October 24, 2011 on tax parcel #57.04-1-7.17 located in the Business Regional (BR) District, and

WHEREAS the use of vehicles sales in the BR district pursuant to Chapter 17.12.010 of the Town Municipal Code requires Special Use Permit approval of the Town Board, and

RESOLUTION NO. 205-11 PUBLIC HEARING FOR CAMPING WORLD SPECIAL
USE PERMIT APPROVED

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

WHEREAS prior to action on a Special Use Permit a Public Hearing shall be duly held by the Town Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board sets a Public Hearing for October 12, 4:30 p.m. to hear comments for a Special Use Permit for Camping World for an RV sale October 18, 2011 – October 24, 2011, and

FUTHUR RESOLVED any future application and/or request requires site plan review and approval.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

RESOLUTION NO.206-11
DEPUTY TOWN CLERK APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS the full-time Deputy Town Clerk had resigned effective June 24, 2011, and

WHEREAS there is a recognizable need for a clerical and accounting position in the office of the Town Clerk, and

WHEREAS interviews were conducted by the Town Clerk, and

WHEREAS the administration and management of Town personnel is a Type II action for the purpose of SEQRA and as such no further action is necessary regarding the same, now

BE IT RESOLVED that the Town Board, as recommended by the Town Clerk, hires Tammy Stein, 622 Owen Hollow Rd, Big Flats for the position of Deputy Town Clerk as a probationary appointment for 26 weeks to said position consistent with Civil Service Law and subject to a satisfactory completion of a duly authorized background Security check, and

FURTHER RESOLVED that Ms. Stein shall be paid \$24,000 per year, effective October 17, 2011, including full Town Benefits, and be entitle to the benefits of and subject to the terms and conditions of the Town Employee Handbook, as amended, and

FURTHER RESOLVED that the Town Supervisor is hereby authorized to complete and sign the appropriate Report of Personnel Change and Extended Payroll Certificate (“RPC”) for this hiring.

CARRIED: AYES: Smith, Fairbrother, Gillette
NAYS: None ABSTAIN: Dean

RESOLUTION NO.207-11
SPECIAL MEETING’S SET REVIEWING

MINUTES OF THE TOWN BOARD MEETING SEPTEMBER 28, 2011

THE 2012 TENTATIVE BUDGET APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS the Town Clerk submitted the 2012 Tentative Budget and special meetings are necessary for the review of said budget, now

BE IT THEREFORE RESOLVES the Town Board sets Special Town Board meetings for October 3, 2011 at 3:00 p.m.; October 5, 2011 at 4:00 p.m.; October 12, 2011 at 3:00 p.m.; and October 14, 2011 at 4:00 p.m. for the purpose of reviewing the proposed 2012 Budget.

CARRIED: AYES: Fairbrother, Smith, Gillette, Dean
NAYS: None

CORRESPONDENCE

Continental Home Loans Inc. /Affiliated Police Associations. A notice was received from Affiliated Police Associations, informing us that they had created a partnership with Continental Home Loan Inc to provide discounted mortgages.

Third Annual Farm City Day/Cornell University, Cooperative Extension Chemung County. Cooperative Extension is informing us of the 2011 Farm City Day on October 8th from 10 am – 4 pm at the Chemung County Fair Grounds.

EXECUTIVE SESSION: Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to enter into Executive Session to discuss particular personnel matter with no resolution. All in favor, motion carried.

Councilperson Fairbrother made a motion, seconded by Councilperson Gillette to adjourn the Town Board meeting at 7:46 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk